

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 28

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UNITED STATES PATENT AND TRADEMARK OFFICE

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GREGORY MICHAEL FREES, ANDREW KEITH HANLON
and DANIEL ROBERT STACER

Appeal No. 2002-1800
Application No. 09/191,577

ORDER REMANDING TO EXAMINER

On February 27, 2004, a Supplemental Information Disclosure Statement (IDS) was filed (Paper No. 27) and has been matched with this application at the Board of Patent Appeals and Interferences. The IDS needs to be considered by the primary examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the primary examiner's decision is required.

Accordingly, it is

ORDERED that the application is remanded to the examiner for such consideration of the IDS, notification to

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appellants in writing of consideration, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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